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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,458	07/13/2004	James Perry	81101886 / FMC 1769 PUS	4457
28395	7590	12/19/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/710,458	PERRY ET AL.	
	Examiner	Art Unit	
	Dana Ross	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/13/04; 7/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-5 and 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2 December 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, line 11, it is not clear what is being claimed by "a conduit". It is not clear if this is the same conduit of line 5, or if this is a second conduit.

Claims 11 and 12, lines 5 and 6, it is not clear what "" "male portion, and first and second female portions" are claiming. It is not clear if this is the same "male portion" of line 2, and first and second female portions of lines 2 and 4, or if these limitations are second male and female portions.

Claims 13 and 14, recite the limitation "the mating surface" in lines 3 and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

The above is not all-inclusive. Applicant is required to review all claims to ensure compliance with 35 USC 112.

All claims will be examined as best understood.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-8, 15 and 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,593,258 (Matsumoto et al., hereafter '258).

'258 teaches a tool holder (see figure 2, for example) with a conduit 3 having a threaded interior with a threaded adjustment screw 15 (see figure 1) with threads 16 (see figure 2) which engages the threaded interior section of the conduit 3, the screw 15 with a flange section having a larger diameter than the threaded body section of the screw 15 (see embodiment of reference number 35 of figure 4, for example); the threaded body and flange sections defining a chamfered internal fluid passage disposed axially with the conduit 3 (see figures 4 and 7, and col. 3, line 61 through col. 4, line 16, for example); a counter bore (see area of reference numbers 10 and 11 of figure 2, for example) disposed coaxially with the conduit 3; a sealing portion with a seal configured to inhibit fluid leakage between the flange section and the end surface (see col. 3, lines 22-24, for example); the adjustment screw 15 with a connection tube on the opposite end of the flange section (see area of reference number 40 of Figure 8) with the end portion of the tool with a recessed portion disposed proximate the fluid passage (see figure 8).

6. Claims 6-8, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,004,382 (Yoshino, hereafter '382).

'258 teaches a tool holder with a conduit with bore 7 having threaded interior sections 7a, 7b (see figure 1); an adjustment screw having a threaded body section 11a and a flange section 12 having a larger diameter than the threaded body section (see figure 1); the threaded body and flange sections defining an internal fluid passage (chamfered at area 20 of figure 1) disposed axially with the conduit (see col. 4, lines 51-56 and col. 6, lines 11-13, for example); a counter bore (see reference number 23, figure 1, for example, or reference numbers 22 or 20 of figure 1) disposed coaxially with the conduit for receiving a cutting tool 25; a sealing portion (see area of reference number 16, 18, 19 or 32 of figure 1) configured to inhibit fluid leakage between the flange section 12 and the end surface of the tool; recessed portion 20 (see figure 1).

Allowable Subject Matter

7. Claims 9 and 11-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:
The prior art neither anticipates nor renders obvious a tool holder assembly with a cutting tool as claimed with an end surface and a fluid passage, specifically wherein the cutting tool end surface, with the combination of limitations of claims 6, 8 and 9, include a groove; or wherein the combination of limitations of claims 6, 8 and 11 include the cutting tool end surface including a second female portion adapted to receive the male portion such that the seal, male portion and first and second female portions cooperate to inhibit fluid leakage; or wherein the

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combination of limitations of claims 6, 8 and 12 include the cutting tool end surface that includes a male portion and a first female portion adapted to receive the seal and the mating surface includes a second female portion adapted to receive the male portion such that the seal, male portion and first and second portions cooperate to inhibit fluid leakage; or wherein the combination of limitations of claims 6 and 13 include the sealing portion further comprising a male portion disposed on the mating surface and a female portion disposed on the end surface of the tool that is adapted to receive the male portion; or the combination of limitations of claims 6 and 14, specifically wherein the sealing portion further comprises a male portion disposed on the end surface and a female portion disposed on the mating surface that is adapted to receive the male portion.

The use of tool holders with cutting tools with end surfaces and fluid passages is well known in the art as is discussed in detail in the above rejections. Both '258 and '382 teach the use of tool holders with cutting tools with end surfaces and fluid passages.

Neither '258 nor '382 disclose the specific combination of limitations as discussed above, and therefore neither '258 nor '382 anticipate the claimed inventions.

Furthermore, there is no prior art, either alone or in combination with '258 or 382 that would render obvious the claimed inventions, and no motivation found to modify '258 or '382 to obtain the claimed inventions.

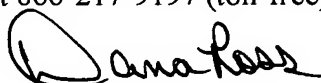
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana Ross
Examiner
Art Unit 3722


dmr